

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BAYOU STEEL BD HOLDINGS, L.L.C., *et al.*,

Debtors,

Chapter 7

Case No. 19-12153 (KBO)
(Jointly Administered)

Adv. No. 21-51013 (KBO)

GEORGE L. MILLER, in his capacity as
Chapter 7 Trustee for the jointly administered
bankruptcy estates of Bayou Steel BD
Holdings, L.L.C., *et al.*,

Plaintiff,

v.

BLACK DIAMOND CAPITAL
MANAGEMENT, L.L.C.; BDCM
OPPORTUNITY FUND IV, L.P.; BLACK
DIAMOND COMMERCIAL FINANCE,
L.L.C.; SAM FARAHNAK; PHIL
RAYGORODETSKY; ROB
ARCHAMBAULT; TERRY TAFT; and BOB
UNFRIED,

Defendants.

**NOTICE OF COMPLETION OF BRIEFING REGARDING BLACK DIAMOND
DEFENDANTS' MOTION FOR RELIEF UNDER
FED. R. CIV. P. 37(c)(1)(C) AND 37(e)**

PLEASE TAKE NOTICE that Defendants Black Diamond Capital Management, L.L.C. ("BDCM"), BDCM Opportunity Fund IV, L.P. ("Fund IV"), Black Diamond Commercial Finance, L.L.C ("BDCF") (collectively, with BDCM and Fund IV, the "Black Diamond Entities"), Sam Farahnak, and Phil Raygorodetsky (together, the "Director Defendants," and, collectively

with the Black Diamond Entities, the “Black Diamond Defendants”), hereby provide notice that briefing has been completed with respect to *Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)* (the “Motion”) [Adversary Docket No. 130; Filed on August 30, 2024]. Below is a list of all relevant pleadings and docket numbers filed and related to the Motion.

Tab No.	Date Filed	Docket No.	Pleading
1	8/30/24	130	Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)
2	9/16/24	133	Certification of Counsel Regarding Stipulation Extending Certain Deadlines
3	9/17/24	134	Order Approving Stipulation Extending Certain Deadlines
4	9/30/24	136	Plaintiff’s Memorandum of Law in Opposition to Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e) (Sealed)
5	9/30/24	137	Declaration of Steven M. Coren in Support of Trustee’s Opposition to Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e) (Sealed)
6	9/30/24	138	Motion to Seal Plaintiff’s Memorandum of Law in Opposition to Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)
7	9/30/24	139	[Redacted] Plaintiff’s Memorandum of Law in Opposition to Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)
8	9/30/24	140	[Redacted] Declaration of Steven M. Coren in Support of Trustee’s Opposition to Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)
9	10/18/24	143	Black Diamond Defendants’ Reply in Support of Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e)
10	10/18/24	144	Exhibit 17 to Black Diamond Defendants’ Reply in Support of Black Diamond Defendants’ Motion for Relief Under Fed. R. Civ. P. 37(c)(1)(C) and 37(e) (Sealed)

Date: October 23, 2024

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
William J. Trunk (admitted *pro hac vice*)
Jack A. Herman (admitted *pro hac vice*)
Paul Brzyski (admitted *pro hac vice*)
2000 K Street NW, 4th Floor
Washington, DC 20006
Tel: (202) 775-4500
Fax: (202) 775-4510
wtrunk@kramerlevin.com

/s/ Seth A. Niederman
Seth A. Niederman (DE No. 4588)
FOX ROTHSCHILD LLP
1201 N. Market Street, Suite 1200
Wilmington, DE 19801-3062
Tel.: (302) 654-7444
Fax: (302) 656-8920
sniederman@foxrothschild.com

ZAIGER LLC
Jeffrey H. Zaiger (admitted *pro hac vice*)
Judd A. Linden (admitted *pro hac vice*)
2187 Atlantic Street, 9th Floor
Stamford, CT 06902
Tel: (917) 572-7701
jzaiger@zaigerllc.com

*Counsel for Defendants Black Diamond Capital
Management, L.L.C., BDCM Opportunity Fund
IV, L.P., Black Diamond Commercial Finance,
L.L.C., Sam Farahnak, and Phil Raygorodetsky*

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

PACHULSKI STANG ZIEHL & JONES LLP
Bradford J. Sandler
Colin R. Robinson
Peter J. Keane
919 North Market Street, 17th Floor
P O Box 8705
Tel: 302-652-4100
Fax: 302-652-4400
E-mail: bsandler@pszjlaw.com
crobinson@pszjlaw.com
pkeane@pszjlaw.com

COREN & RESS, P.C.
Steven M. Coren, Esq.
Benjamin M. Mather, Esq.
Janice Daul Felix, Esq.
Two Commerce Square
2001 Market Street, Suite 3900
Philadelphia, PA 19103
Tel: 215-735-8700
Fax: 215-735-5170
E-mail: scoren@kcr-law.com
bmather@kcr-law.com
jfelix@kcr-law.com

BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP
Jennifer R. Hoover, Esq. (#5111)
1313 North Market Street, Suite 1201
Wilmington, DE 19801
Tel: 302-442-7010
jhoover@beneschlaw.com

J. Erik Connolly (*pro hac vice*)
Sven T. Nylen (*pro hac vice*)
71 South Wacker Drive, Suite 1600
Chicago, Illinois 60606-4637
Tel: 312-212-4949
Fax: 312-767-9192
econolly@beneschlaw.com
snylen@beneschlaw.com

*Counsel to Defendants Rob Archambault,
Terry Taft, and Bob Unfried*

/s/ Seth A. Niederman
Seth A. Niederman (DE No. 4588)
FOX ROTHSCHILD LLP
1201 N. Market Street, Suite 1200
Wilmington, DE 19801-3062
Tel.: (302) 654-7444
Fax: (302) 656-8920
sniederman@foxrothschild.com